

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

NEW WALLINGTON HOME, LLC, a New  
Jersey limited liability company; and  
MORNINGSIDE AT WALLINGTON, LLC,  
a New Jersey limited liability company,

Plaintiffs,

vs.

BOROUGH OF WALLINGTON;  
BOROUGH OF WALLINGTON  
PLANNING BOARD; MARK W. TOMKO,  
in his official capacity as former Mayor of the  
Borough of Wallington; DOROTHY B.  
SIEK, in her official capacity as former Tax  
Collector for the Borough of Wallington; and  
CHRISTOPHER ASSENHEIMER, in his  
official capacity as Certified Tax Collector of  
the Borough of Wallington,

Defendants.

Civil Action No. 2:20-cv-08178

Hon. Evelyn Padin, U.S.D.J.  
Hon. Andre M. Espinosa, U.S.M.J.

**ORDER COMPELLING DEPOSITION  
OF WITOLD BAGINSKI**

**Motion Date: March 17, 2025**

**THIS MATTER** having been brought before the Court by O'Toole Scrivo, LLC, counsel for Plaintiffs, New Wallington Home, LLC and Morningside at Wallington, LLC, ("Plaintiffs"), upon a motion to enforce Plaintiffs' subpoena duces tecum to Witold Baginski ("Baginski"), and having considered the moving papers and documents attached thereto, and good cause having been shown;

**IT IS ON THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2025;

**ORDERED** that Plaintiffs' motion to enforce the subpoena is **GRANTED**, and it is further;

**ORDERED** that Witold Baginski shall appear for deposition at the offices of Plaintiff's Counsel, O'Toole Scrivo, LLC, 14 Village Park Road, Cedar Grove, New Jersey no later than ten (10) days from the date of this Order; and it is further

**ORDERED** that if Baginski fails to comply with the subpoena within ten (10) days from this Order, following delivery and service via regular and certified mail of this Order, the Defendant may make an application for a warrant for the arrest of Baginski to be issued out of this Court without further notice; and it is further

**ORDERED** that this Order shall be deemed served on all counsel upon its execution and filing on ECF.

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Hon. Andre M. Espinosa, U.S.M.J.